

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : LaRosa	Art Unit : 1644
Patent No.: 7,566,539	Examiner : Chun Dahle
Serial No. : 10/656,805	Conf. No. : 8777
Filed : September 5, 2003	
Title : ANTI-CCR2 ANTIBODIES AND METHODS OF USE THEREFOR	

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically filed in accordance with §1.6(a)(4) on the 8th day of March, 2010.

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Laurie Butler Lawrence, Reg. No. 46,593

Office of Petitions
Commissioner for Patents

PETITION UNDER 37 CFR 1.181

In view of the recent Federal Circuit decision in *Wyeth and Elan Pharma v. Kappos* (as U.S. Patent & Trademark Office Director) (Fed. Cir. 2010) (decided January 7, 2010) and the announcement from the United States Patent & Trademark Office that it would not appeal the Federal Circuit decision, Applicants hereby petition the Commissioner under 37 CFR §1.181 to consider Applicants' request for reconsideration of the calculation of the patent term adjustment for the above-referenced patent. Applicants are filing this petition and request for reconsideration within two months from the Federal Circuit decision, as March 7th fell on a Sunday.

The above referenced patent issued on July 28, 2009. At that time, the United States Patent & Trademark Office had calculated the patent term adjustment for this patent to be 353 days. Applicants did not petition the patent term adjustment calculation within the 2 months after issuance of the above-referenced patent because, at the time, the calculation was consistent with the U.S. Patent & Trademark Office's interpretation of 35 U.S.C. 154(b)(2)(A).

However, as demonstrated in the attached copy of a request for recalculation of patent term adjustment, under the proper interpretation of 35 USC 154(b)(2)(A), Applicants are also entitled a B delay. The total of the patent term adjustment should have been 785 days. It was not until the United States Patent & Trademark Office announced that it would not appeal the Federal Circuit decision that the proper interpretation of 35 U.S.C. 154(b)(2)(A) was established. Therefore, Applicants are filing this petition and request for reconsideration within two months

from the Federal Circuit decision, and petition the Commissioner to consider Applicants' request for recalculation of the patent term adjustment for the above-referenced patent.

It is the Applicants' understanding that no fee is required for this petition. However, if any fee is required and is otherwise absent, please charge any deficiency to Deposit Account No. 50/2762, referencing Attorney Docket No.: M2051-701421.

Respectfully submitted,
LaRosa et al., Applicants

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